

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :

-v- :

CLAUDIO CABRERA, :

Defendant. :

-----x

INDICTMENT

07 CRIM.

869

COUNT ONE

The Grand Jury charges:

1. From at least in on or about 2004 up to and including on or about May 20, 2007, in the Southern District of New York and elsewhere, CLAUDIO CABRERA, the defendant, and others known and unknown, unlawfully, intentionally, and knowingly did combine, conspire, confederate and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that CLAUDIO CABRERA, the defendant, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, to wit, one kilogram and more of mixtures and substances containing a detectable amount of heroin, in violation of Sections 812, 841(a)(1) and 841(b)(1)(A) of Title 21, United States Code.

Overt Acts

3. In furtherance of the conspiracy and to effect the

illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. In or about April 2005, in Manhattan, New York, a co-conspirator not named as a defendant herein possessed approximately 3.5 kilograms of heroin.

b. From in or about 2004 through in or about 2005, in Elizabeth, New Jersey, CLAUDIO CABRERA, the defendant, processed and repackaged quantities of heroin for distribution.

c. On or about May 20, 2007, in Newark, New Jersey, CABRERA possessed approximately three kilograms of heroin.

(Title 21, United States Code, Section 846.)

FORFEITURE ALLEGATION

4. As a result of committing the foregoing controlled substance offense alleged in Count One of this Indictment, CLAUDIO CABRERA, the defendant, shall forfeit to the United States pursuant to 21 U.S.C. § 853, any and all property, real and personal, that constitutes or is derived, directly or indirectly, as a result of the offense and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the violation alleged in Count One of this Indictment.

5. If any of the above-described forfeitable

property, as a result of any act or omission of the defendant:

- (i) cannot be located upon the exercise of due diligence;
- (ii) has been transferred or sold to, or deposited with, a third party;
- (iii) has been placed beyond the jurisdiction of the court;
- (iv) has been substantially diminished in value; or
- (v) has been commingled with other property which cannot be divided without difficulty;

it is the intention of the United States, pursuant to Title 18, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the forfeitable property.

(Title 21, United States Code, Sections 846 and 853.)

  
FOREPERSON

  
MICHAEL J. GARCIA  
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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**CLAUDIO CABRERA,**

**Defendant.**

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**INDICTMENT**

07 Cr. \_\_\_\_\_

(Title 21, United States Code, Sections  
846 and 853.)

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MICHAEL J. GARCIA  
United States Attorney.

**A TRUE BILL**

Thomas P. Edgar  
Foreperson.

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*Case assigned to J. Hellerstein*

*M. Hellerstein*

*9/12/07  
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